

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JAMES MOLPUS,

Plaintiff(s),

CASE NUMBER: 05-73091

HON. VICTORIA A. ROBERTS

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant(s).

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**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF THE MAGISTRATE JUDGE**

On April 17, 2006, Magistrate Judge R. Steven Whalen submitted a Report and Recommendation [Doc. 17] recommending that the Court: (1) deny Defendant's Motion for Summary Judgment [Doc. 12]; and, (2) grant Plaintiff's Motion for Summary Judgment [Doc. 8] remanding the case for further hearings. Because the Court did not receive objections from either party within the time frame provided for in 28 U.S.C. § 636(b)(1) and E.D. Mich. LR 72.1(d)(3), the Court adopts the Magistrate Judge's Report and Recommendation. The Court, therefore: (1) **DENIES** Defendant's Motion for Summary Judgment; (2) **GRANTS** Plaintiff's Motion for Summary Judgment; and (3) **REMANDS** for further hearings.

**IT IS SO ORDERED.**

S/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: May 5, 2006

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on May 5, 2006.

S/Carol A. Pinegar  
Deputy Clerk